

**Trinity Alps Wilderness Prescribed Fire Project
Supplemental Information Report
for the
Wildlife Biological Assessment,
Biological Evaluation,
Migratory Bird Report,
and Management Indicator Assemblage Report**

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Purpose of This Report

The purpose of this report is twofold: 1) Provide updated information that has arisen since the original Wildlife Biological Assessment for the Trinity Alps Wilderness Prescribed Fire project was completed (2012 BA, signed on July 24, 2012). 2) Provide the rationale for our conclusion that there are no meaningfully measurable changes to the analyses and determinations provided in the 2012 BA and thus that the Fish and Wildlife Service (USFWS) Letter of Concurrence for this BA (LOC, signed on September 5, 2012) remains valid and thus there is no need to re-initiate consultation, or in the case of the Pacific fisher, initiate conferencing with the USFWS. The BA, LOC and Biological Evaluation (BE, addressing Forest Service Sensitive species) are included in the Trinity Alps Wilderness Prescribed Fire project file and are available at the Weaverville district office.

This addendum addresses four main subjects:

1. Changed Habitat Conditions Due to the 2013 Corral Complex Fire and 2015 River Complex Fire.
2. Updated Northern Spotted Owl Designated Critical Habitat
3. New Federally Listed Species (including the Pacific fisher, listed as Proposed)
4. Minor Corrections or Clarifications

Changed Habitat Conditions due Fire

Two large fires burned in the project vicinity since the 2012 BA and affirm the rich history of wildfire in the area (2012 BA pages 9 and 10). The Corral and the River Complex fires burned nearly 100,000 acres within Six Rivers and Shasta-Trinity National Forests during the summers of 2013 and 2015 respectively. Of the total acres burned, about 7,000 acres were within the Trinity Alps Wilderness Prescribed Fire project area. ***Rapid Assessment of Vegetation Condition after Wildfire*** (RAVG) data generated after these fires indicated that roughly 1,800 acres in the project area burned at an intensity that may have removed potential NSO habitat as measured by reduction of basal area.

Conclusion

The impacts to NSO habitat due to these two fire complexes has no effect to the rationale for the determination of “not likely to adversely affect the northern spotted owl” included in the 2012 BA (page 34) and there is no need to re-initiate consultation with the USFWS:

- a) All project activities will have a Limited Operating Period (LOP) from February 1st to September 15 to avoid disturbance to unknown nests that may occur within the project area during project implementation.
- b) **Beneficial effects are expected from the proposed prescribed burning** [emphasis added], as the forest becomes more fire resilient, the natural fire cycle returns and fire can play its natural role in the ecosystem.
- c) **NSO habitat would be maintained or improved** [emphasis added] with the proposed treatments.

- d) **No suitable NSO nesting, roosting, or foraging habitat is expected to be degraded, downgraded or removed** [emphasis added].

NOTE: While not addressed in the 2012 BA, the project would be unlikely to affect spotted owls connected with the recognized lethal danger of rodenticides associated with marijuana grow sites. This is because, the project area lies in a designated wilderness area and thus has no road or even reasonably nearby road access favored by growers to attend to the needs of the marijuana plants.

Changes to Designated NSO Critical Habitat

Critical Habitat (CH) for the northern spotted owl was revised and published on November 21, 2012, after the 2012 BA for this project was completed and signed. The areas proposed for treatment do not include 2012 Designated NSO Critical Habitat.

Conclusion

Since no actions are proposed within designated NSO Critical Habitat the project would have no effect to CH and there is no need to re-initiate consultation with the USFWS.

Pacific Fisher (*Pekania pennant*)

Due to a court ruling on September 21, 2018, the Pacific fisher is now a species proposed for listing under the Endangered Species Act (ESA) (personal communication, Christine Jordan, USFWS biologist, email on September 24, 2018). As such Section 7(a) of the ESA requires evaluation of our actions with respect to the Pacific fisher— if the action is likely to jeopardize the continued existence of a species proposed for listing, we must *confer* with USFWS. The fisher is a Forest Service Sensitive Species and potential project effects were analyzed in the Wildlife Biological Evaluation (BE) for this project. The determination for the fisher in the BE is: “The proposed action alternatives may affect individual Pacific fishers, but potential effects to the population demography of this species are limited and insignificant, and will not cause a trend toward listing.” Because the determination has been made that effects to the population demography of the Pacific fisher are insignificant, this project would not put the continued existence of the fisher at jeopardy. Given the results of the Sensitive Species analysis, the Forest Service is not required to conference on this project for the Pacific fisher. Currently, the US Fish and Wildlife Service (USFWS) has not proposed critical habitat for the Pacific fisher, so impacts to critical habitat for the Pacific fisher cannot be addressed here. Nonetheless, the analysis of project effects to similar NSO habitat indicates similar beneficial-only effects to fisher habitat.

The BE determination for the fisher is based upon the following rationale:

- According to the USFWS,¹ threats to fisher are from habitat loss and fragmentation that can be due to timber harvest, roads, urban development, recreation, and wildfires. Other threats include

¹ USDI Fish and Wildlife Service. 2010a. 12 month finding for the Pacific fisher. Federal Register / Vol. 75, No. 73 / Friday, April 16, 2010 / Proposed Rules 50 CFR Part 17 [Docket No. USFWS–R6–ES–2010–0017] [MO 92210–0–0008] Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List a Distinct Population Segment of the Fisher in Its United States Northern Rocky Mountain Range as Endangered or Threatened with Critical Habitat

small population sizes and isolation, predation, and human-caused mortality from vehicle collisions, poaching, and incidental capture and injury. Prescribed fire, or the activities associated with it, are not described as a threat to fisher population viability and are not expected to have any deleterious impacts to the population.

- Fisher populations are susceptible to habitat loss and fragmentation in addition to genetic isolation and high mortality rates from fur trapping.² The proposed activities do not include any of these threats, and instead would likely result in a beneficial impact from a reduction in the susceptibility of the remaining suitable habitat in the wilderness area to loss from intense wildfire. The lack of negative effects to habitat would apply to fisher critical habitat if it is established at some future time.
- Fisher are mobile and likely to move away from sources of disturbance;
- Proposed activities would not be implemented during periods of reduced mobility i.e. young in dens, or parturition. Activities that may constitute disturbance would occur when fisher are mobile and capable of moving away from sources of disturbance.
- The probability of losing fisher habitat from high severity fire would be reduced.
- Standards and Guidelines in the LRMP would be met within the project area post-treatment, including guidelines for Riparian Reserves and snags/CWD levels.
- While not addressed in the BE, the project would be unlikely to affect fishers (or spotted owls) connected with the recognized lethal danger of rodenticides associated with marijuana grow sites. This is because, the project area lies in a designated wilderness area and thus has no road or even reasonably nearby road access favored by growers to attend to the needs of the marijuana plants.

Conclusion

The project would not likely jeopardize the existence of the fisher or destroy or adversely modify proposed critical habitat and there is no need to initiate conferencing with the USFWS.

Federally Listed Species Not Addressed in the 2012 BA

Visiting the USFWS website (<https://ecos.USFWS.gov/ipac>) on October 31, 2018 revealed a number of federally listed species that were not addressed in the 2012 BA. Information presented through the USFWS website indicates that the project would have no effect to these species and therefore would not require re-initiation of consultation or the need to conference with the USFWS as discussed below.

² Ruggiero, L.F., K.B. Aubry, S.W. Buskirk, L.J. Lyon, and W.J. Zielinski, technical editors. 1994. The Scientific Basis for Conserving Forest Carnivores: American marten, fisher, lynx, and wolverine in the United States. USDA-FS, General Technical Report RM-254. 183 pp. http://www.fs.fed.us/pnw/publications/pnw_gtr285/

Gray Wolf (*Canis lupus*)

The project would have no effect on the gray wolf or its Critical Habitat. The rationale for this determination is based upon the following: Gray wolves are not known or expected to occur in the project vicinity and there is no designated gray wolf Critical Habitat in California. The nearest gray wolf activity lies roughly 150 miles east of the project area. Therefore, this species will not be affected, re-initiation of consultation with the USFWS is not needed and this species will not be further discussed. If new information from the State or other verified sources shows there are reproducing wolves within five miles of project activities, the Forest will contact USFWS for technical assistance and discuss the need for re-initiation of consultation.

Western Snowy Plover (*Charadrius nivosus nivosus*)

The project would have no effect on the western snowy plover or its Critical Habitat because the project area lies outside the known or expected range and does not include suitable habitat or Critical Habitat. Therefore, re-initiation of consultation with the USFWS is not needed and this species will not be further discussed.

Yellow-billed Cuckoo (*Coccyzus americanus*)

The project would have no effect on the yellow-billed cuckoo or its Critical Habitat. This bird uses a variety of riparian areas where cottonwood and willow trees provide important foraging habitat. No cottonwood or willow dominated riparian habitat or Critical Habitat occurs in or near any of the areas proposed for treatment. Therefore, re-initiation of consultation with the USFWS is not needed and this species will not be further discussed.

Oregon Spotted Frog (*Rana pretiosa*)

The project would have no effect on the Oregon spotted frog or its Critical Habitat because the project area lies outside this frog's known or expected range and does not include suitable habitat or Critical Habitat. Therefore, re-initiation of consultation with the USFWS is not needed.

Conservancy Fairy Shrimp (*Branchinecta conservation*), **Vernal Pool Fairy Shrimp** (*Branchinecta lynchi*) and **Vernal Pool Tadpole Shrimp** (*Lepidurus packardii*)

The project would have no effect on these shrimp species because the project area lies outside their known or expected ranges and does not include suitable habitat or Critical Habitat. Therefore, re-initiation of consultation with the USFWS is not needed.

Conclusion

The project would have no effect on these species so there is no need to re-initiate consultation with the USFWS.

Minor Corrections and Clarifications

This section provides corrections and clarifications to minor inaccuracies or potentially confusing statements included in the original BA

- While not explicitly stated, **the BA addresses Alternative 3**, which is Alternative 2 with additional treatment areas as specified in Chapter 2 of the Environmental Assessment.

- Page six (6) of the BA includes the following statement: ***An average of 1,500 acres is planned for treatment annually, with initial implementation planned for the fall immediately preceding significant precipitation events.***
 - A 1,500 acre annual treatment acreage prediction is an approximation and does not appear in the EA or other specialist's reports. This acreage limitation is reiterated in introductory paragraphs of the September 5, 2012 Letter of Concurrence (LOC) from the U.S. Fish and Wildlife Service (USFWS). However, the USFWS does not mention this acreage limitation in the 'Conclusion' section of the LOC where they present the reasoning behind why they concur with the *may affect, not likely to adversely affect the NSO* determination in the BA.

Recognizing that the USFWS expresses a desire to disperse treatments both spatially and temporally, we believe these approximations are inconsequential to the findings and determinations presented in the BA. Additionally, the dispersal of treatments both spatially and temporally is further assured in both the EA and BA:

- To minimize the potential for cumulative adverse effects when underburning, no more than ten percent of a sixth-field watershed would be burned in any one year. This is a feature common to both action alternatives in the Environmental Assessment.
 - No more than 50 percent of occupied or unsurveyed suitable nesting, roosting or foraging [NSO] habitat would be treated in a single year in any one 7th-field watershed up to 3,500 acres in size. (BA page 25)
- Page six (6) of the BA includes the following out of date statement: ***Project implementation would occur over a ten year period, beginning in the fall of 2012, depending on the timing of the NEPA decision.***
 - Obviously, the fall of 2012 has come and gone. This sentence should read: *Project implementation would occur over a ten year period, beginning in the fall after the signing of the NEPA decision.*
 - Page six (6) of the BA includes the following potentially misleading statement: ***Implementation sites will vary from year to year and will be distributed throughout the project area so as to avoid issues with continuity and adjacency from unit to unit.***
 - This sentence should read: *Implementation sites will vary from year to year and will be distributed throughout the project area ~~so as to~~ [which would] avoid issues with continuity and adjacency from unit to unit.* The point is that the varying implementation sites would be a function of how the proposed treatments would occur due to a number of reasons (e.g., funding, weather, available personnel, etc.) and were not part of the project design to specifically address NSO concerns.
 - The BA inaccurately states that the implementation would occur over an approximate 5-year period. (top of page 12)

- As previously discussed, implementation may occur over an approximate 10-year period.
- Page 24 of the ‘effects section’ of the BA includes the following statement: *The loss of suitable NSO habitat, and likely occupied home ranges, to these fires serves to emphasize the importance of promoting and protecting the remaining habitat that exists in the project area and the wilderness area as a whole.*
 - While arguably true, this sentence does not address effects and should be disregarded.
- Pages 30 and 41 of the BA includes the following misleading statement: *The primary goals of the proposed project are to restore a natural fire cycle and stand resiliency, in addition to protecting the late seral habitat preferred by the NSO and the wilderness character of the area, from stand replacing events.*
 - Since protecting late seral habitat was not explicitly included as a ‘primary goal’ of the project, this sentence should read: *The primary goals of the proposed project are to restore a natural fire cycle and stand resiliency, ~~in addition to~~ would result in protecting the late seral habitat preferred by the NSO and the wilderness character of the area, from stand replacing events.*
- Page 30 of the BA includes the following misleading statement: *The purpose and need for the Trinity Alps project directly addresses the protection of habitat from stand replacing wildfires and is therefore providing a positive effect to NSO habitat and in turn the individual NSOs that may occupy the analysis area.*
 - Protecting habitat was not explicitly included in the project’s purpose and need. Nonetheless, the project would indeed result in the protection of habitat from stand replacing wildfires and therefore would provide a positive effect to NSO habitat and in turn the individual NSOs that may occupy the analysis area
- We agree with and appreciate the USFWS clarification (along with literature citations) of northern spotted owl response to habitat burned due to wildfire in their home ranges and the expected response to our proposed prescribed fire (LOC top of page 3).
- The final NEPA document for the project will likely refer to treatment areas rather than treatment units to better convey the fact that the treatment “units” are actually areas into which fire will be introduced resulting in a distribution of burned and unburned patches due to the nature of prescribed fire behavior. A treatment unit typically refers to an area that will receive total or near total treatment (e.g., a timber harvest unit, or a mechanical fuels reduction unit). Semantics do not affect the NSO or NSO habitat.
- . Changes to designated NSO Critical Habitat are addressed above.

Conclusion

These corrections and clarifications are minor and do not affect the findings and conclusions presented in the 2012 BA and the subsequent 2012 USFWS Letter of Concurrence.

Other Wildlife Species Analyses.

The changes addressed in this document do not affect the findings disclosed in separate reports associated with migratory birds and management indicator assemblages [species]. These reports are in the project file.